

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 07, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLIE JIM PETERS,

Defendant.

No. 1:20-CR-02046-SAB-1

**ORDER GRANTING MOTION
TO CONTINUE TRIAL DATE**

The Court held a pretrial conference in this action on October 6, 2021 in Yakima, Washington. Michael Murphy and Matthew Stone appeared on behalf of the United States of America. Kenneth Therrien and Eric Eisinger appeared on behalf of Defendant Charlie Jim Peters, who was present in the courtroom and in custody of the U.S. Marshals.

During the hearing, Defendant's counsel requested the Court to continue the trial date. Defendant's counsel stated that additional time was necessary to prepare the case for trial, considering due diligence and the complexity of the matter. Defendant Mr. Peters objected to further continuance of the trial. The United States did not oppose the continuance and argued that it was in the interests of justice that the trial date be continued.

Due to the necessity of further case development and time for trial preparation, the Court granted the motion and continued the trial date. The Court found that the ends of justice served by such a continuance outweighed the public's

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1 and Defendant's interest in a speedy trial. This Order memorializes the Court's
2 ruling.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. Defendant's Motion to Expedite, ECF No. 49, is **DENIED AS**
5 **MOOT**.

6 2. Defendant's Motion to Continue Pre-Trial Conference and Trial Date,
7 ECF No. 48, is **GRANTED**.

8 3. The current trial date of October 25, 2021 is **STRICKEN** and
9 **RESET** to **April 4, 2022 at 9:00 a.m.**, commencing with a **final** pretrial
10 conference at **8:30 a.m.** All hearings shall take place in **Yakima**, Washington.

11 4. A pretrial conference is **SET** for **March 23, 2022 at 11:00 a.m.**, in
12 **Yakima**, Washington. Counsel shall advise the Court regarding any dispositive
13 change in the status of this case **at least 5 days prior to the pretrial conference**.
14 Any motion to continue the pretrial conference or trial shall be filed at the earliest
15 practicable opportunity, but no later than **seven (7) days prior to said proceeding**.
16 Movant shall provide (1) specific and detailed reasons for the continuance to
17 permit the Court to make the necessary findings; (2) if applicable, the Defendant's
18 signed Speedy Trial Waiver; (3) the position of opposing counsel; and (4) the
19 proposed new date. Continuances are not granted absent good cause.

20 5. All pretrial motions shall be filed on or before **February 23, 2022** and
21 noted for hearing at the pretrial conference.

22 6. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time between October 25,
23 2021, the current trial date, until April 4, 2022, the new trial date, is **DECLARED**
24 **EXCLUDABLE** for purposes of computing time under the Speedy Trial Act. The
25 Court finds that the ends of justice served by such a continuance outweigh the
26 public's and Defendant's interest in a speedy trial.

27 7. Trial briefs, proposed voir dire, jury instructions, verdict forms,
28 exhibit lists, expert witness lists, and summaries of expert testimony shall be filed

1 and served by all parties on or before **seven (7) calendar days prior to trial**. This
2 does not modify the parties' discovery obligations under Fed. R. Crim. P. 16.
3 Absent an agreement between the parties or an Order from the Court, the parties'
4 Fed. R. Crim. P. 16 discovery deadlines shall be governed by Local Criminal Rule
5 16.

6 8. Under federal law, including Rule 5(f) of the Federal Rules of
7 Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all applicable
8 decisions from the Supreme Court and the Ninth Circuit interpreting *Brady*, the
9 government has a continuing obligation to produce all information or evidence
10 known to the government relating to guilt or punishment that might reasonably be
11 considered favorable to the defendant's case, even if the evidence is not admissible
12 so long as it is reasonably likely to lead to admissible evidence. *See United States*
13 *v. Price*, 566 F.3d 900, 913 n.14 (9th Cir. 2009). Accordingly, the Court **orders** the
14 government to produce to the defendant in a timely manner all such information or
15 evidence.

16 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
17 enter this Order and furnish copies to counsel.

18 **DATED** this 7th day of October 2021.



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23

A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

24 Stanley A. Bastian
Chief United States District Judge